

PUBLIC SAFETY DEPARTMENT[661]

Adopted and Filed Emergency

Pursuant to the authority of Iowa Code section 103A.56, the Building Code Commissioner hereby adopts new Chapter 374, "Manufactured Housing Installer Certification," Iowa Administrative Code.

Iowa Code chapter 103A, Division IV, assigns responsibility to the Building Code Commissioner for regulation of the installation of manufactured and mobile homes in Iowa. Provisions regarding the standards to be met in the installation of manufactured and mobile homes are adopted as part of the State Building Code, which establishes construction standards. The Building Code Commissioner is also authorized to establish licensing requirements for manufactured home dealers and certification requirements for manufactured housing installers. While rules for this program have been in place since 2000, they are required to be updated to comply with new requirements established by the U.S. Department of Housing and Urban Development. The current rules, which are rescinded in **ARC 6898B** herein, initially had been adopted as part of the State Building Code, but since these rules are not construction standards, the Building Code Commissioner has determined that they more appropriately should be adopted separately from the State Building Code and should be placed in a separate chapter of the administrative rules. This new chapter contains solely the rules for certification of manufactured housing installers.

Pursuant to Iowa Code section 17A.4(2), the Commissioner finds that notice and public participation prior to the adoption of these rules are impracticable, as it is essential that the new requirements for certification of installers be in effect during the next round of recertification. Currently, annual certifications of installers are due for renewal on July 1.

Pursuant to Iowa Code section 17A.5(2)"b"(2), the Commissioner further finds that the normal effective date of these rules, 35 days after publication, should be waived and the rules be made effective July 1, 2008, after filing with the Administrative Rules Coordinator. These rules confer a benefit upon the public by facilitating the orderly issuance of recertification to installers. If the new rules were not in effect on July 1, 2008, certified installers would be required to meet additional requirements during the terms of their next certifications, which would result in significant disruption and confusion.

These rules are also being proposed in a Notice of Intended Action, which is published herein as **ARC 6880B**. The Notice of Intended Action will provide for a period of public comment and participation, including a public hearing. This process will culminate in the adoption of these rules through the normal rule-making process, with any public input received during the comment period having been taken into account.

These rules are intended to implement Iowa Code section 103A.59.

These rules became effective July 1, 2008.

The following amendment is adopted.

Adopt the following new 661—Chapter 374:

CHAPTER 374

MANUFACTURED HOUSING INSTALLER CERTIFICATION

661—374.1(103A) Certification program. There is established in the building code bureau of the fire marshal division a manufactured housing installer certification program. The program may be contacted by E-mail at mhinfo@dps.state.ia.us, by telephone at (515)725-6145, or by mail at the following address:

Manufactured Housing Installer Certification Program

Building Code Bureau

Fire Marshal Division

Iowa Department of Public Safety

215 East 7th Street

Des Moines, Iowa 50319

661—374.2(103A) Certified installer required. There shall be at least one person certified as a manufactured housing installer present at the installation of any manufactured home in Iowa. The installation of a manufactured home shall be under the direct supervision of a certified manufactured housing installer, who shall be present at all times at the installation site while any installation work is proceeding.

EXCEPTION: Installation of a manufactured home may be completed by the owner of the home, if the home is the primary residence of the person completing the work, whether or not the person is certified as a manufactured housing installer, provided that the work is inspected as required and that a state-certified installer certifies compliance with appropriate provisions of this chapter, 661—Chapter 16, and 661—Chapter 322.

661—374.3(103A) Requirements for installer certification. An applicant for certification must meet all of the following requirements:

374.3(1) The applicant must be at least 18 years old.

374.3(2) The applicant must have a minimum of one year of experience in the installation, construction or inspection of manufactured homes. Proof of experience shall be submitted on a notarized affidavit submitted with the application to the commissioner.

374.3(3) The applicant must successfully complete a minimum of eight hours of training approved by the commissioner. Training shall be based on the manufactured housing installation standards published by the U.S. Department of Housing and Urban Development and material approved by the commissioner.

374.3(4) The applicant must have received a passing grade on an examination approved by the commissioner.

661—374.4(103A) Certification fee. The certification fee shall be \$300, payable at the time of application, and shall cover certification for three years. Fees shall be remitted in the form of a check or money order, payable to the Iowa Department of Public Safety – Building Code Bureau. The following should be written in the memo portion of the check: “Manufactured Housing Installer Certification.” Applications and fees received after July 1 of any year will cover the remainder of the fiscal year in which they are received and the following two state fiscal years. Applications and fees received prior to July 1 of any year shall cover the period through June 30 of the third year following.

EXCEPTION: If as of June 1, 2009, statutory language regarding fees collected for certification and recertification of manufactured housing installers does not clearly provide that any such fees collected are exempt from reversion to the state treasury pursuant to Iowa Code section 8.33, then all current certificate holders who paid the \$300 fee shall have \$200 of the fee refunded.

661—374.5(103A) Certification period. Installer certifications and recertifications shall be issued for three years and shall expire on June 30 of the third year of the certification period. Certifications and recertifications issued after July 1 shall cover the remainder of the fiscal year in which they are issued and the following two state fiscal years.

EXCEPTION: If as of June 1, 2009, statutory language regarding fees collected for certification and recertification of manufactured housing installers does not clearly provide that any such fees collected are exempt from reversion to the state treasury pursuant to Iowa Code section 8.33, then all current certificates shall be modified to expire after one year rather than three years from their effective dates.

661—374.6(103A) Review of application for certification. Upon receipt of an application for certification or recertification, staff of the building code bureau shall review the application and recommend approval or denial to the building code commissioner. If an application is approved, the certificate shall be issued to the applicant. If an application is denied, the applicant shall be notified and given an explanation of the reason or reasons for denial. Denials of applications by the building code commissioner may be appealed according to the contested case provisions of 661—Chapter 10. An

appeal may be filed as a request for contested case proceeding as provided in rule 661—10.304(17A). An appeal must be filed within 30 days of the date of the denial.

661—374.7(103A) Certification renewal and continuing education.

374.7(1) A certification may be renewed if the installer applying for recertification has completed 12 hours of continuing education, approved by the commissioner, during the three-year certification period. Such training shall be submitted to the commissioner for review and approval prior to the date the training is received. Requests for approval shall be submitted on a form supplied by the commissioner, with supporting documentation.

374.7(2) Any installer who has not been recertified by the expiration date of the installer's certification shall not be allowed to work as an installer until a valid certification is obtained.

374.7(3) Failure to renew a certification within 60 days of its expiration shall require successful completion of an approved examination.

374.7(4) The recertification fee shall be \$300, payable at the time of application. Fees shall be remitted in the form of a check or money order, payable to the Iowa Department of Public Safety – Building Code Bureau. The following shall be written in the memo portion of the check: "Manufactured Housing Installer Certification." Applications and fees received after July 1 shall cover the remainder of the fiscal year in which they are received and the following two years.

661—374.8(103A) Suspension or revocation of certification. An installer certification may be suspended or revoked for cause pursuant to a recommendation by the staff of the building code bureau to the building code commissioner. Suspension or revocation of an installer certification may be appealed subject to the provisions of 661—Chapter 10 for contested case proceedings. An appeal may be filed as a request for contested case proceeding as provided in rule 661—10.304(17A). An appeal must be filed within 30 days of the date of the suspension or revocation.

661—374.9(103A) Civil penalties. In addition to possible suspension or revocation of a certification, a person who violates the rules governing manufactured housing installation may be subject to civil penalties. Civil penalties may be assessed by the building code commissioner based on recommendation from staff of the building code bureau. Assessments of civil penalties may be appealed subject to the provisions of 661—Chapter 10 for contested case proceedings. An appeal may be filed as a request for contested case proceeding as provided in rule 661—10.304(17A). An appeal must be filed within 30 days of the date of the assessment of the civil penalty.

661—374.10(103A) Inspections.

374.10(1) The installation of any manufactured home as defined in Iowa Code section 103A.51 shall be subject to inspection by a representative of the building code bureau.

374.10(2) Any person planning to install a manufactured home shall notify the building code bureau of the person's intent to install a home at least three business days prior to the date of installation.

374.10(3) A manufactured home shall not be occupied until approval has been given by the building code bureau. If the inspection of the home is not completed within the three-business-day notification period, approval may be given by the building code bureau to proceed with the installation.

These rules are intended to implement Iowa Code section 103A.59.

[Filed Emergency 6/11/08, effective 7/1/08]

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EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 7/2/08.